

REMARKS

Reconsideration of the present application is requested. Claims 1-20 are pending.

A METHOD ACCORDING TO AN EXAMPLE EMBODIMENT

In an exemplary method, at least two physical channels (e.g., EU-DPCCH, EU-DPDCH and Uplink HS-DPCCH) are aligned based on a timing offset. The at least two channels are transmitted over an uplink at a time instant different than that of a third uplink physical channel (e.g., one of EU-DPCCH, EU-DPDCH and Uplink HS-DPCCH).

CLAIM OBJECTIONS

Claims 4, 5, 11, 12, 16 and 17 are objected to due to minor informalities. These claims have been amended taking into account the Examiner's comments. Withdrawal of this objection is requested.

PRIOR ART REJECTIONS

Rejection under 35 U.S.C. § 102(e)

The Examiner rejects claims 1, 2, 3 and 15 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,120,132 ("*Choi*"). This rejection is respectfully traversed.

As amended, claim 1 requires, *inter alia*, "aligning at least two uplink physical channels based on a timing offset, said at least two channels transmitted over an uplink at a time instant different than that of a third uplink physical channel." Such a feature is not taught or fairly suggested by *Choi*.

In the method of *Choi*, the UE transmits an uplink DPCH (which arguably includes a DPDCH and a DPCCH) at time T_0 after receiving the downlink DPCH. Thus, contrary to the method of claim 1, *Choi* only discloses transmitting two uplink physical channels DPCH at a time instant different than a downlink DPCH, but not, "at least two channels transmitted over an uplink at a time instant different than that of a third uplink physical channel." Therefore, *Choi* fails to anticipate claim 1. Claims 2-3 are patentable over *Choi* at least by virtue of their dependency from claim 1. For at least somewhat similar reasons, claim 15 is patentable over *Choi*.

Rejection under 35 U.S.C. § 103

The Examiner further rejects claims 4-14 and 16-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Choi* in view of U.S. Patent Application Publication No. 2004/0085936 ("*Gopalakrishnan*"). This rejection is respectfully traversed.

Gopalakrishnan and the claimed invention (as described by way of the example embodiments) were, at the time of invention, subject to an obligation of assignment to the same entity (Lucent Technologies, Inc.). Because *Gopalakrishnan* qualifies as prior art only under 35 U.S.C. § 102(e), *Gopalakrishnan* cannot be applied as part of a prior art rejection under 35 U.S.C. § 103(a). See, 35 U.S.C. § 103(c). For at least the foregoing reasons, withdrawal of this rejection is requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), applicant hereby petitions for a one(1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

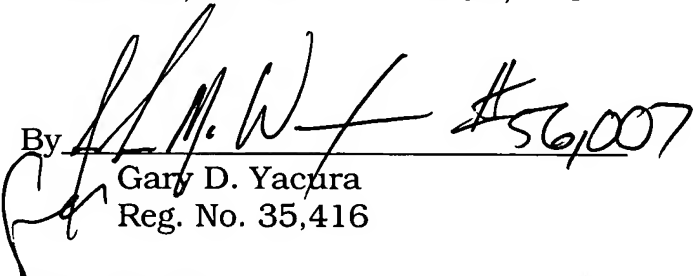
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, PLC

By

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